

REMARKS

Claims 14 and 15 are presented for consideration, with Claim 14 being independent.

A new abstract is being presented to better set forth technical features of the claimed invention.

In the claims, Claims 1-13 have been cancelled and replaced with Claims 14 and 15. Support for the new claims can be found, for example, in Figures 3 and 5 and the accompanying specification on page 20, line 4, *et. seq.*

Applicant respectfully requests reconsideration of the requirement to file a substitute specification. As understood, this requirement is set forth because the disclosed periods T1 and T2 beginning on page 14, line 24 of the specification are not found in the figures. In response, Applicant is submitting concurrently herewith a Submission of Replacement Sheets of Drawings showing Figures 1-6 to include periods T1 and T2. With these drawing corrections, it is submitted that changes to the specification are not necessary. Accordingly, reconsideration and withdrawal of the requirement for a substitute specification is respectfully requested.

As discussed, Applicant is submitting concurrently herewith a Submission of Replacement Sheets of Drawings, showing periods T1 and T2 added to Figures 1-6. As will be appreciated, the periods illustrate arrangement periods of the electrophoretic elements 2 and 4 and are supported throughout the specification. Accordingly, consideration and entry of the Submission of Replacement Sheets of Drawings is respectfully requested. It is submitted that the Replacement Sheets of Drawings overcome the objection to the drawings as set forth on pages 3 and 4 of the Office Action.

Claims 1-13 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Without conceding the propriety of this rejection, Claims 1-13 have been cancelled. Moreover, it is submitted that Applicant's invention as now set forth in Claims 14 and 15 is in full compliance with the particularity and distinctness requirements of the statute. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §112, second paragraph, is respectfully requested.

Claims 1, 3-10 and 13 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Jiang '961. In addition, Claim 2 is rejected under 35 U.S.C. §103 as allegedly being obvious over Jiang in combination with Arikawa, and Claims 11 and 12 are rejected as allegedly being obvious over Jiang in view of Eguchi. Claims 1-13 have been cancelled, as noted above, and thus these rejections are deemed to be moot. Moreover, it is submitted that Applicant's invention as set forth in Claims 14 and 15 is patentable over the cited art.

Claim 14 of Applicant's invention relates to an image display panel of the reflection type comprising, in a multilayer structure, a first layer including a periodic planar arrangement of a plurality of electrophoretic elements, each of the plurality of electrophoretic elements included in the first layer showing one of an opaque black state and a transparent state in response to an input signal, and a second layer including a periodic planar arrangement of a plurality of electrophoretic elements, each of the plurality of electrophoretic elements included in the second layer showing at least a first color state and a second color state in response to an input signal. As claimed, an arrangement period of the electrophoretic elements included in the first layer is smaller than an arrangement period of the electrophoretic elements included in the second layer.

As shown for example in Figure 3, light modulating elements 3 are provided in a periodic planar arrangement in a first layer 1, and light modulating elements 4 are provided in a periodic planar arrangement in layer 2. As illustrated, the arrangement period of the light modulating elements 3 is smaller than the arrangement period of the light modulating elements 4, i.e.,  $T_1 < T_2$  (see, for example, page 15, lines 2-19 of the specification). In accordance with Applicant's invention, a high performance image display panel can be provided.

The Jiang patent relates to a liquid crystal display panel that uses layers of cholesteric liquid crystals (CLC). As shown in Figure 5A, the panel includes a glass plate 100, a first CLC layer 102 having two different spectrally-tuned color band regions formed thereon and a second CLC layer 104 having two different spectrally-tuned color band regions formed thereon (see column 31, lines 21-43).

In contrast to Claim 14 of Applicant's invention, however, Jiang does not teach or suggest an image display panel having first and second layers, with the first layer including electrophoretic elements showing one of an opaque black state and a transparent state, and the second layer having electrophoretic elements showing at least a first color state and a second color state.

The secondary citation to Arikawa relates to a liquid crystal display and is relied on for its teaching of frequency modulation. The secondary citation to Eguchi relates to an optical deflection apparatus and it is relied on for its teaching of a spatial frequency component of a high frequency and a low frequency.

It is submitted, however, that neither Arikawa nor Eguchi compensate for the deficiencies in Jiang with respect to Applicant's Claim 14.

Thus, it is submitted that Applicant's invention as set forth in independent Claim 14 is patentable over the cited art. In addition, dependent Claim 15 sets forth additional features of Applicant's invention. Independent consideration of the dependent claim is respectfully requested.

In view of the foregoing, reconsideration and allowance of this application is deemed to be in order and such action is respectfully requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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